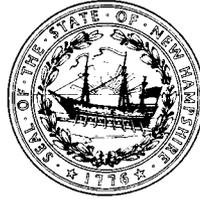


53 *Bea*

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

September 17, 2014

Her Excellency Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, NH 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

1. Authorize the Department of Justice to accept and expend a grant in the amount of \$9,014.30 from the New Hampshire Safety Agency for the purpose of hosting a two-day Motor Vehicle Seminar entitled "J.B. McDuffee Prosecutorial Seminar" effective from the date of Governor and Council approval through December 31, 2014. 100% Transfer from other agency.

Funds are to be budgeted in account #02-20-20-201510-8895, Department of Justice, Grant Administration, entitled "TSRP (Traffic Safety Resource Prosecutor) McDuffee Seminar" as follows:

| <u>Class</u> | <u>Description</u> | <u>Current Budget</u> | <u>Requested Action</u> | <u>New Budget</u> |
|------------------------|------------------------------|---------------------------|-----------------------------|-----------------------|
| 067-500559 | Provider Training | \$0 | \$8,270.00 | \$8,270.00 |
| 040-500800 | Indirect Cost | \$0 | \$744.30 | \$744.30 |
| <u>Total</u> | | \$0 | \$9,014.30 | \$9,014.30 |
| <u>Source of Funds</u> | | | | |
| 001-403682 | Transfer from Other Agencies | \$0 | \$9,014.30 | \$9,014.30 |

2. Contingent upon the approval of paragraph one, authorize the Department of Justice to conduct a two-day seminar for the investigation and prosecution of motor vehicle crashes and incidents of driving while under the influence of alcohol or other drugs, at a cost not to exceed \$9,014.30 scheduled for October 14-15, 2014 at the Police Standards and Training Council Training Facility in Concord, NH. The seminar will be presented to approximately 100 professionals in law enforcement and prosecution, at no charge to participants, effective upon the date of the Governor and Council approval through December 31, 2014. 100% Transfer from other agency.

EXPLANATION

Although there are numerous factors that contribute to a fatal crash, alcohol and/or drugs continue to be the predominate factors. In order to successfully prosecute a criminal case stemming from such a crash, it is imperative that the crash be thoroughly investigated by knowledgeable law enforcement officials, and translated into a well-developed criminal case which is the foundation of prosecution. Due to the rural nature of the state, traffic safety violations are generally investigated and prosecuted by local law enforcement agencies. As such, regular professional training for these agencies is crucial.

This request will allow the Department of Justice to conduct a two-day motor vehicle homicide course, focusing on investigation as well as prosecution and trial techniques. This year the focus of the seminar will be on prosecution skills, toxicology and felony blood draws, as well as case review. The course will be offered to certified, full-time officers who are actively involved in the investigation of motor vehicle crashes, as well as local, county, and state prosecutors.

Expenses include training materials, speaker fees and meals/refreshments. Catering services for meals/refreshments will be provided by Washington Street Café, at a cost of \$2,357.50. Four bids for this service were received and Washington Street Café was the lowest bid. Bids were also obtained from In A Pinch Cafe, Capitol Deli, and Newell Post Restaurant (list attached).

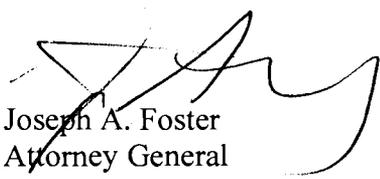
There will be one paid presenter and five presenters who will provide their services at no cost. John Kwasnoski, President of Legal Science, will present a seminar in "How to Deter Faux Defenses." Mr. Kwasnoski, who has taught for the National College of District Attorneys, the National Highway Traffic Safety Administration, the National Traffic Law Center and the American Prosecutors Research Institute, will be paid \$2,140 for professional fees and lodging expense. Additional presenters will be speaking at no charge and include Colleen Scarneo of the State Toxicology Laboratory; Diana Fenton of NH Department of Justice; Mark Bodanza of Police Standards and Training; Richard Shute from New Hampshire State Police Troop G; and Joseph Digregorio, Sr., of the University of NH Police Department.

In the event that these funds are no longer available, General Funds will not be requested to support this program.

Please let me know if you have any questions concerning this request.

Your consideration is greatly appreciated.

Respectfully submitted,


Joseph A. Foster
Attorney General

Bids Received for the McDuffee Seminar Catering Services October 14-15, 2014

| | |
|----------------------------|------------|
| Washington Street Café | \$2,357.50 |
| In A Pinch Café and Bakery | \$2,617.50 |
| Newell Post Restaurant | \$2,979.00 |
| Capital Deli | \$3,746.36 |

2014 JAY MCDUFFEE MOTOR VEHICLE SEMINAR
AGENDA

Police Standards and Training, Concord, NH
October 14th & 15th, 2014

Tuesday October 14, 2014

- 8:00 – 8:30 **Registration** Police Standards and Training—Tactical Center
- 8:30 – 8:45 **Opening Remarks**
Joseph A. Foster, Attorney General
- 8:45 – 10:30 **What You Can Do to Deter Faux Defenses**
John Kwasnoski,
- 10:30 – 10:45 Break
- 10:45 – 12:30 **What You Can Do to Deter Faux Defenses**
John Kwasnoski
- 12:30 – 1:30 Lunch (Provided)
- 1:30 – 2:15 **Crash Case Overview---*State v. Chad Belleville***
- 2:15 – 2:30 Break
- 2:30 – 3:00 **Crash Case Overview---*State v. Chad Belleville***
- 3:00 – 3:15 Break
- 3:15 – 4:00 **Case Law Update**
Diana E. Fenton, Assistant Attorney General

-----**Wrap-up for Day One**-----

2014 JAY MCDUFFEE MOTOR VEHICLE SEMINAR
AGENDA

Wednesday October 15, 2014

8:30 – 9:00 **Registration:** Police Standards and Training—Tactical Center

9:00 – 9:15 **Welcome & Overview of the Day**

9:15 – 10:30 **Motorcycle Crash Cases**
Joseph S. DiGregorio, Sr., UNH Police Department

Top Ten Things You Should Know About Stopping a CMV
Richard Shute, New Hampshire State Police—Troop G

Drug Toxicology
Colleen Scarneo, State Laboratory

How To Testify to SFSTs in Court
Mark Bodanza, PS&T

10:30 – 10:45 Break

10:45 – 12:00 **Motorcycle Crash Cases**
Joseph S. DiGregorio, Sr., UNH Police Department

How to Testify to SFSTs in Court
Mark Bodanza, PS&T

Drug Toxicology
Colleen Scarneo, State Laboratory

Top Ten Things You Should Know About Stopping a CMV
Richard Shute, New Hampshire State Police—Troop G

12:00 – 1:00 Lunch (Provided)

1:00 – 4:30 **Felony Blood Draw Training**
Diana E. Fenton, Assistant Attorney General

-----Evaluations and Wrap-up-----

CONTRACTUAL AGREEMENT FOR HIGHWAY SAFETY PROJECT GRANT

For HSA Use Only

State of New Hampshire
Highway Safety Agency
117 Manchester Street
Concord, NH 03301

| | |
|-------------------|----------------|
| Date Received | Project Number |
| September 3, 2014 | #308-155-002 |
| Date Approved | PSP and Task # |
| September 8, 2014 | 15-02, 04 |

Part 1

| | |
|---|---|
| <p>1. Project Title</p> <p>JB McDuffee Prosecutorial Seminar</p> | <p>2. Type of Application (Check One)</p> <p><input checked="" type="checkbox"/> Initial</p> <p><input type="checkbox"/> Revision</p> <p><input type="checkbox"/> Continuation</p> |
|---|---|

| | |
|---|---|
| 3. Applicant | |
| <p>A. Name of Agency DUNS Number 808591127</p> <p>NH Department of Justice</p> | <p>B. Address of Agency</p> <p>33 Capital Street Concord NH 03301-6310</p> |
| <p>C. Government Unit (Check One)</p> <p><input checked="" type="checkbox"/> State</p> <p><input type="checkbox"/> City/Town</p> <p><input type="checkbox"/> County</p> <p><input type="checkbox"/> Other (specify):</p> | <p>D. Name & Address of Governmental Unit</p> <p>State of New Hampshire Concord, NH 03301</p> |
| <p>4. Contract Duration</p> <p>A. Contract Period</p> <p>Start Date: October 1, 2014 Termination Date: December 31, 2014</p> | <p>Functional Area K8 410 Alcohol SAFETEA-LU</p> <p>CFDA# 20.601</p> <p>Program Title State & Community Highway Safety</p> <p>Funding Source National Highway Traffic Safety Administration</p> |

6. Description of Project (Describe in detail in Schedule A) and Source of Funds

| Budget (Provide itemization as called for on Schedule B) and Source of Funds | | | | | |
|--|-------------------|-------------------|--------------|--------------|-------------|
| Cost Category | Total Budget | Federal Budget | Local Budget | State Budget | Other Funds |
| a. Personnel Services | | | | | |
| b. Current Expenses | \$8,270.00 | \$8,270.00 | | | |
| c. Equipment | | | | | |
| d. Indirect Costs & Audit | \$744.30 | \$744.30 | | | |
| e. Contractual Services | | | | | |
| Total Estimated Costs (Include Non-Federal Share) | \$9,014.30 | \$9,014.30 | | | |

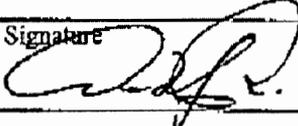
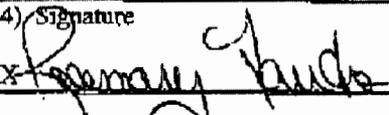
| |
|---|
| <p>7. Local Benefit.</p> <p>It is anticipated that the federal share for local benefit will be: <u>100%</u> (\$9,014.30)</p> |
|---|

Part II

| BUDGET AND PERSONNEL DATA | |
|---|-------------------|
| a. Personnel Services | |
| *See Proposed Solution (page 3) for explanation of pay rates | |
| b. Current Expenses See attached | \$8,270.00 |
| c. Equipment | |
| d. Indirect Costs and Audit Expense \$8,270.00 x 9 percent | 744.30 |
| e. Contractual Services | |
| f. Travel Expense | |
| Total | \$9,014.30 |

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

| | | |
|---|--|---|
| A. Project Director | | |
| 1) Name Ann M. Rice | 2) Title Associate Attorney General Criminal Justice Bureau | 3) Address 33 Capitol Street Concord, NH 03301-6397 |
| 4) Signature X  | | 5) Telephone Number 271-1202 |
| B. Authorized Official | | |
| 1) Name Rosemary Faretra | 2) Title Director of Administration NH Department of Justice | 3) Address 33 Capitol Street Concord, NH 03301-6397 |
| 4) Signature X  | | 5) Telephone Number 271-1234 |

Part IV (For HSA Use Only)

| | |
|---|---|
| 1. Approval Date September 8, 2014 | 2. Signature & Title  Peter M. Thomson, Coordinator NH Highway Safety Agency |
| 3. Federal Funds Obligated by this Agreement: \$9,014.30 | |

**SCHEDULE A
GENERAL PROJECT INFORMATION**

Description of Project

STATEMENT OF PROBLEM/NEED: Motor vehicle crashes resulting in death or serious bodily injury receive substantial scrutiny under both the criminal and civil law. Those who investigate and prosecute these types of crashes are also subject to substantial public scrutiny.

In 2010 there were 120 crashes with 128 fatalities. In 2011 New Hampshire saw the lowest number of motor vehicle fatalities in its history with 84 crashes resulting in 90 fatalities. In 2012 there were 101 crashes with 108 fatalities. Last year, there were 124 crashes resulting in 135 fatalities. Although there are numerous factors that contribute to a fatal crash, alcohol and/or drugs continue to be the predominate factors. In order to successfully prosecute a criminal case stemming from such a crash, it is imperative that the crash be thoroughly investigated by knowledgeable law enforcement officials. That investigation must then be translated into a well-developed criminal case which is the foundation of the prosecution.

With the high level of turnover in both law enforcement agencies and prosecutors' offices, the number of experienced personnel diminishes over time. Coupled with a general lack of consistency in the investigation and prosecution of motor vehicle fatalities throughout the state, this has created a significant need for training in this particular area of the law. Additionally, as always, those officers and prosecutors who have been trained in the past would benefit from an update on changes to the laws and developments in investigative and trial techniques.

Historically, the NH Department of Justice offered an annual seminar on the investigation and prosecution of motor vehicle homicides, but did not have resources for the training in 2005 or 2006. In 2007 the seminar was reintroduced by the Traffic Safety Resource prosecutor. In response to feedback from the 2007 seminar, the training was extended to a two-day training seminar and has had great success and positive feedback since then. The two-day format allows for breakout sessions covering a broad array of topics, as well as eliminating any 'time crunch' pressure for presenters to rush through material.

PROPOSED SOLUTION: The Department of Justice will offer this two-day training to up to 100 participants to include certified full-time officers who are actively involved in the investigation of motor vehicle crashes, as well as local, county, and state prosecutors, at no cost to the participants.

This year's seminar will include a presentation on How to Deter Faux Defenses by John Kwasnoski of Legal Sciences. Professor Kwasnoski has taught for the National College of District Attorneys, the National Highway Traffic Safety Administration, the National Traffic Law Center and the American Prosecutors Research Institute. He has authored "Kwasnoski's Little Red Book: A Primer on Collision Reconstruction", and this grant application proposes to use \$1,200.00 of the McDuffee budget to purchase 100 of Professor Kwasnoski's books to distribute to seminar participants.

Additional workshops will include Drug Toxicology presented by Colleen Seameo of the NH State Toxicology Laboratory, Motorcycle Crash Cases presented by Joseph DiGregorio Sr. of UNH Police Dept., and Stopping Commercial Motor Vehicles presented by Richard Shute of NH State Police. Mark Bodanza of Police Standards and Training Council will present on How to Testify to SPST's in Court. An update of case law will be presented by Assistant Attorney General Diana Fenton. The seminar will also include Attorney Fenton's instructions on drawing blood in felony DWI's and negligent homicides.

This expert training provided to law enforcement and prosecution will serve to meet the need for highly competent investigation and prosecution of motor vehicle fatalities.

ANTICIPATED RESULTS: The goal is to increase the skill level of law enforcement officials and prosecutors throughout the investigation and prosecution of criminal cases involving motor vehicle crashes. Improving the quality of investigations and prosecutions will increase the number of convictions, which, in turn, will increase general deterrence and public awareness of the threat that these types of crimes pose to the state.

ADDITIONAL CONTRACT CONDITIONS: It is agreed that any materials and resulting publicity relating thereto shall state "this project is being supported in part through a grant from the NH Highway Safety Agency with federal funds provided by the National Highway Traffic Safety Administration" or words to that effect.

See attached Addenda and Regulations for Travel and Reimbursement for additional information that is hereby made a part of this contractual agreement.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

| BUDGET | | | | |
|--|-----------|-----------|------------|------------|
| Current Expenses – Estimated based on 100 participants/day | | | | |
| Meal Expenses: | | | | |
| AM Coffee/snack: \$450 x 2 days | | \$ 900.00 | | |
| AM Broak: \$170 x 2 days | | 340.00 | | |
| Lunch: \$810 x 2 days | | 1,620.00 | | |
| PM Break: \$225 x 2 days | | 450.00 | | |
| Delivery Fee: | | 100.00 | \$3,410.00 | |
| Materials and Miscellaneous Expenses: | | | | |
| Printing - tabs | | \$ 300.00 | | |
| Printing - text | | 770.00 | | |
| Binders | | 450.00 | | |
| Publications: A Primer on Reconstruction | | 1,200.00 | 2,720.00 | |
| Instructors Expenses: | | | | |
| John Kwasnoski | | 2,140.00 | 2,140.00 | |
| | Sub-Total | | | \$8,270.00 |
| Indirect Cost | | | | |
| \$8,270.00 x 9 percent | | | | 744.30 |
| | Total | | | \$9,014.30 |